



Security Council

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 20 June 2017 from the Permanent Mission of Brazil to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Brazil to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to transmit its report on the measures taken by the Government of Brazil regarding the implementation of resolution 2321 (2016) (see annex).



Annex to the note verbale dated 20 June 2017 from the Permanent Mission of Brazil to the United Nations addressed to the Chair of the Committee

Report of Brazil on the implementation of Security Council resolution 2321 (2016)

1. Further to its previous reports (S/AC.49/2006/35, S/AC.49/2009/40, S/AC.49/2010/7, S/AC.49/2013/2 and S/AC.49/2016/63) submitted to the Security Council Committee established pursuant to resolution 1718 (2006), the Government of Brazil has the honour to inform the Committee as to the concrete measures it has taken with a view to effectively implementing the relevant provisions of resolution 2321 (2016) concerning the Democratic People's Republic of Korea.
2. By means of Presidential Decree No. 9,033 of 19 April 2017, resolution 2321 (2016) was incorporated into Brazilian law and the implementation thereof made mandatory for all Brazilian authorities and for all individuals and entities under its jurisdiction.¹
3. The Permanent Mission of Brazil to the United Nations would like to recall that the additional sanctions adopted under resolution 2321 (2016) will be applied within an already consolidated set of laws and practices carried out by Brazilian authorities concerning the Security Council-mandated sanctions against the Democratic People's Republic of Korea.
4. As stated in the previous report (S/AC.49/2016/63) with regard to the arms embargo and non-proliferation measures outlined in the sanctions regime, the legal and institutional framework referred to in paragraphs 3 to 11 of the report submitted by Brazil in 2010 (S/AC.49/2010/7) is suitable for the implementation of any additional sanctions. With respect to the sectoral trade bans on coal, minerals and fuel, as well as the new items added to the luxury goods ban, the Department of Federal Revenue of the Ministry of Finance and the Department of Federal Police of the Ministry of Justice and Public Security, in cooperation with the Armed Forces, have the powers to enforce the provisions of the relevant sanctions and combat the smuggling of prohibited goods, as detailed in paragraph 2 of the 2010 report.
5. In regard to the financial sector, the legal framework to implement the sanctions regime was explained in detail in paragraph 4 of the report submitted by Brazil in 2016 (S/AC.49/2016/63). The Brazilian judiciary has issued three precautionary measures, most recently on 27 April 2017, accepting the Government's advance request to freeze all assets, rights or values of the individuals and entities designated under United Nations resolutions on sanctions against the Democratic People's Republic of Korea. At the time of writing, however, no assets, rights or values of the aforementioned individuals or entities had been found in Brazil.
6. With regard to the measures set out in paragraphs 14 to 18 of resolution 2321 (2016), Decree No. 9,033 of 2017 allows Brazilian authorities to fully apply the measures against prohibited activities by diplomatic personnel. Should other measures be needed, the Vienna Convention on Diplomatic Relations, in particular, articles 9, 11, 12, 41, 42 and 43, provides additional means to effectively apply any of the sanctions.

¹ The full text of the decree, in Portuguese, is on file with the Secretariat and available for consultation.

7. The following competent authorities were duly informed about the strengthening of the sanctions regime under resolution 2321 (2016), having been specifically informed of the respective issues to consider and the measures to implement in order to prevent any violations:

(a) Financial measures: the Central Bank of Brazil, the Brazilian Development Bank, the Council for Financial Activities Control, the Ministry of Finance and the Department of Federal Revenue;

(b) Measures concerning the movement of persons: the immigration division of the Ministry of Foreign Affairs and the Department of Federal Police;

(c) Measures concerning the movement of goods and the transfer of technical training, advice, services or assistance: the Ministry of Science, Technology, Innovation and Communication, the Brazilian Cooperation Agency, the Department of Federal Revenue and the Brazilian Machinery Builders' Association;

(d) Restrictions on maritime and air transport: the National Civil Aviation Agency, the National Agency for Land Transportation and the National Agency for Water Transportation;

(e) Restrictions on the diplomatic and consular offices of the Democratic People's Republic of Korea: the diplomatic privileges and immunity division of the Ministry of Foreign Affairs.

8. In addition to its efforts to effectively implement the provisions of resolution 2321 (2016) and all previous Security Council resolutions concerning the Democratic People's Republic of Korea, the Brazilian Government has publicly and strongly condemned the nuclear and ballistic missile tests carried out by the Democratic People's Republic of Korea in violation of Council resolutions. Brazil has also expressly associated itself with the condemnations issued by the Council.

9. In 2017, three press releases were issued by the Ministry of Foreign Affairs concerning missile tests.²

10. No prohibited activities had been identified at the time of writing. Regarding some import operations of iron and steel articles, which were the object of consultation by the Panel of Experts, Brazil clarified that the issue resulted from an error by the importers in filling out the appropriate forms, since the imports did not actually originate in the Democratic People's Republic of Korea. The relevant authorities in the Ministry of Industry, Foreign Trade and Services are working to gather additional information and documents requested by the Panel of Experts.

11. Brazil reiterates its commitment to the full implementation of all Security Council resolutions concerning the Democratic People's Republic of Korea, including resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and 2321 (2016). In this context, it reaffirms the importance of implementing the provisions of those resolutions without prejudice to the activities of the diplomatic missions in the Democratic People's Republic of Korea pursuant to the Vienna Convention on Diplomatic Relations, except those established pursuant to resolution 2321 (2016).

² The full text of the press releases is on file with the Secretariat and available for consultation.